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**MEMO ENDORSED** (P.2)

June 13, 2011

**BY HAND**

Hon. Lawrence M. McKenna  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room  
New York, New York 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>6/15/2011</u>

RECEIVED IN CHAMBERS
JUN 15 2011
LAWRENCE M. MCKENNA USDJ SDNY

**Re:** *In the Matter of the Complaint of ANDREW HARNETT, as owner of vessel  
M/V READY JET GO*  
**U.S.D.C.S.D.N.Y. : 06-699 (LMM)**

*In the Matter of Peter J. Sharp Boathouse, Inc., as owner of the floating vessel  
constituting the boathouse, seeking exoneration from or limitation of liability*  
**U.S.D.C. S.D.N.Y. : 06 Civ. 3061 (LMM)**

*In the Matter of New York Rowing Association, Inc., as owner of a 2001,  
coxless Empacher rowing shell, seeking exoneration from or limitation of  
liability*  
**U.S.D.C. S.D.N.Y. : 06 Civ. 3062 (LMM)**

**And related cases**

**Our File No. : 01166.00183**

Dear Judge McKenna:

Pursuant to Your Honor's directive at the June 8, 2011 conference, we write on behalf of all parties to clarify the status of the Rundorf claimants' financial documents which have been produced to date. All counsel have counter-signed this letter and respectfully request that the

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Court enter this letter agreement and clarification as an Order governing the financial documents provided by the Rundsdorf Estate.

The parties agree, without prejudice to any further claims or disagreements as to the status of any documents claimed to be Confidential or the need for the production of further documents, that:

All financial documents produced by the Rundsdorf claimants to date which have been claimed by the Estate are to be deemed to be confidential but none of the documents now are claimed to be privileged, as had been initially stated in counsel's letter of May 20, 2011 [copy attached]. Moreover, the parties expressly waive all claims of privilege for documents that have been produced during the course of discovery or disclosure and expressly waive the claims of privilege pursuant to Rule 408 Federal Rules of Evidence for those documents provided by the Rundsdorf Estate in connection with prior mediation efforts.

The Court's time and consideration of this request are appreciated.

Respectfully yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

  
Abigail Nitka (AN 8780)

*So ordered.*

*C. Mar 6/15/11  
c-820*

We consent to the entry of the foregoing.

James E. Mercante, Esq. (JM 4231)  
Michael J. Stern, Esq. (MS 9113)  
Rubin Fiorella & Friedman, LLP  
292 Madison Avenue, 11th Floor  
New York, New York 10017

Hon. Lawrence M. McKenna  
United States District Judge  
Page 3 of 3

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New York, New York 10118

Cc: [BY Email] all opposing counsel

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A t t o r n e y s • A t • L a w

May 20, 2011

**VIA EMAIL & REGULAR MAIL**

Wilson Elser Moskowitz Edelman & Dicker, LLP  
150 E. 42<sup>nd</sup> St.  
New York, NY 10017  
Attn: Lawrence B. Brennan, Esq.

**VIA EMAIL & REGULAR MAIL**

Rubin Fiorella & Friedman, LLP  
292 Madison Ave.  
New York, NY 10017  
Attn: Michael Stern, Esq.

Re: *In The Matter Of The Complaint Of ANDREW HARNETT, As Owner Of Vessel M/V READY JET GO*  
Docket No.: 06-0699 (LMM)

*And related cases.*

Dear Counselors:

The following is a list of documents, identified by Bates-Stamp, that we claim are *not privileged*. All other documents that do not appear below are *privileged* in so much as they contain proprietary financial information of the Plaintiffs, the decedent, and business associates. The Bate Prefix is "Rundsorf".

- 00030
- 00054
- 00081
- 00384
- 00398
- 00454
- 00455
- 00459
- 00467
- 00603 through 00606
- 00620
- 00878
- 01078
- 01079
- 01182

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- 01206
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- 01415
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- 02533
- 02720
- 02754
- 02853
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- 03000
- 03002 through 03003
- 03309
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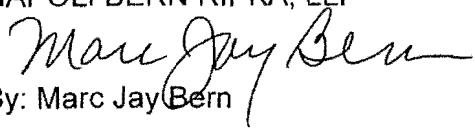
We await for your advisement as to when you want to depose Mrs. Rundorf.

Very truly yours,  
TABAK MELLUSI & SHISHA



By: Jacob Shisha, Esq.

NAPOLI BERN RIPKA, LLP



By: Marc Jay Bern